

**LOWELL TOWN COUNCIL MEETING
REGULAR MEETING
MAY 28, 2013**

The regular meeting of the Lowell Town Council was called to order on Tuesday, May 28, 2013 at 7:00 P.M. by President Edgar Corns. The Pledge of Allegiance was recited followed by a moment of silence. Clerk-Treasurer Judith Walters called the roll. Members present were Craig Earley, Robert Philpot, Donald Parker, Phillip Kuiper, and Edgar Corns. Also present were Director of Public Works Greg Shook, Interim Police Chief Erik Matson, Town Administrator Susan Peterson, Town Attorney Jack Kramer, two members of the media, and thirty citizens.

APRIL TREASURER'S REPORT

Councilman Kuiper made a motion to approve the April 2013 Treasurer's Report, seconded by Councilman Parker and carried by voice vote.

APPROVAL OF MINUTES

Councilman Parker made a motion to approve the May 13th regular meeting and study session, the May 20th special meeting, and the May 23rd executive session, seconded by Councilman Kuiper and carried by voice vote.

APPROVAL OF VOUCHERS

President Corns stated he reviewed White Vouchers #1482 - #1520, White-Police #4095 - #4101, Water #2311 - #2335, Waste Water #3263 - #3285, and Stormwater Utility #5005 - #5005 and recommended all of the vouchers for payment. Councilman Earley made a motion to approve the vouchers as listed, seconded by Councilman Parker and carried by voice vote.

PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS

Swearing in of new police officer - Matthew Philbin - Clerk-Treasurer Judith Walters swore in new police officer Matthew Philbin.

SPECIAL COMMITTEES - Annexation Committee

Doug Nicksch, President of the Annexation Committee, stated there were some questions on priorities of annexation and funding. Part of the items in question were two of the recommended fiscal plans that we have; one being north of Belshaw Road all the way up to the Reiter building, and two being south of Belshaw Road to the Town wells. The whole process was to originally get the Town wells and utilities within the Town limits. The Council approved those two fiscal plans earlier last year, and we have received a draft of those fiscal plans. Since then the plans have been taken to the Annexation Committee, and we feel that we have enough

information to continue doing our recommendations. Our recommendation to the Council is to hold off on finishing these fiscal plans. The Annexation Committee will still review these and come up with recommendations, and at that time if the Council agrees, we can move forward.

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Mr. Nicksch asked if there were any comments that he could forward to the Annexation Committee from the Council. President Corns stated we were somewhat concerned about Nichols Street being heavy enough to hold all of the bus traffic, and the fact that there are no turning lanes in to the school. If we annex that area, we will be responsible for the upkeep of that road and putting in the turning lanes. Councilman Earley stated he has no concerns, but there is a bill that we are hoping will go to the State in the fall that will allow us to annex our Town utilities only. There are two different reasons we were looking at this property. One was to develop along Nichols Street south of the Reiter property, which is more contiguous than the property to the water plant. The other piece was more or less to get to the water plant to overcome issues we face with permit fees in case we have to expand. He stated he believed we should still look in to the property along Nichols Street and hope that the bill goes through in the fall for the water plant. Mr. Nicksch stated we are going to continue with reviewing the property along Nichols Street, not only because of the wastewater treatment plant and the potential on Nichols, but also because of the proximity to the CSX Railroad as well.

UNFINISHED BUSINESS

Public Works Department Update - Public Works Director Greg Shook stated he has spoken to Craig Hendricks with SEH regarding the Powell Ditch. He stated Mr. Hendricks has not gotten a response back on some of the inquiries that he had submitted to the County Surveyor's Office. Mr. Shook stated he has asked Mr. Hendricks to move forward with what he has and to prepare a submittal for the Lake County Drainage Board for a drainage permit, and then move forward from there. Mr. Hendricks should have some sort of presentation for the Council at the next meeting. Director Shook stated he has also spoken with Mr. Pat Zaharko at Commonwealth regarding the water supply of the piezometer wells that we have been monitoring. He will also have a presentation for the Council at the next meeting. Mr. Shook stated looking at the report, it looks like the sand trench will produce somewhere around 1,000 gallons per minute, which is about 1.4 million gallons per day.

WWTP Improvement Project - Approve Pay Request #35 - Thieneman Construction - Partial Payment #13 - \$10,078.00 (\$9574.10 to Contractor, \$503.90 to retainage) and Pay Request #36 - Commonwealth Engineers - \$2,680.06 and forward to SRF for payment - Councilman Philpot made a motion to approve Pay Request #35, seconded by Councilman Earley and carried with

five ayes on roll call vote. Councilman Parker made a motion to approve Pay Request #36, seconded by Councilman Philpot and carried with five ayes on roll call vote.

Shared Ethics Committee - appointments - Town Administrator Susan Peterson stated the first appointment was a private citizen that would serve on the Ethics Commission. After speaking with Mr. Shook, our recommendation would be to appoint Marcia Carlson as the private citizen, but that has to be a Council decision. The next appointment would be to designate a public official to serve on the board, which also has to be a Council appointment. President Corns stated he would like to see Councilman Philpot appointed since he was the one who brought up the agreement. Councilman Kuiper made a motion to approve the appointment of Marcia Carlson to the Ethics Commission, seconded by Councilman Earley and carried with five ayes on roll call vote. Councilman Earley made a motion to approve the appointment of Councilman Philpot to the board, seconded by Councilman Parker and carried with five ayes on roll call vote.

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Mrs. Peterson stated we need to designate two or three employees to go to the ethics training as well. We would like to recommend Shawn O'Connell from the Water Department and Donna Kronsell from the Wastewater treatment Plant. We would also like to suggest that Chief Matson either go himself for the police department, or to designate someone to go on his behalf. Mrs. Peterson stated she may also go herself. The Council agreed with the recommendations.

Parking Permits - Carl Ferro, 1310 Harrison Street, stated some of his tenants have asked why they need to be paying for a parking permit in a public parking lot. He stated this was put in to affect three or four years ago, and since then we have had a meeting with the Historical Society stating some of the issues they are facing in trying to revitalize the downtown area, and the parking fee was one of them. He asked if the Town Council would ban that \$25 fee because it is not worth the paperwork or harassment of the tenants. President Corns stated when he looked in to it, he found that the parking permits started in 1991 in conjunction with the Chamber of Commerce because they felt that renters were taking up too many of the front spots. He stated his personal feeling is that this is one way the parking can be regulated, and it is only \$25 per year. We have also asked the restaurant to give customers cards to put on their dash so that if they leave their car overnight because they cannot drive, the police will know that is why the vehicle is sitting there. He stated he did not believe that \$25 was going to break anyone and that the fee is just to cover administration costs. Mr. Ferro stated he agreed, but asked if they could give the renters a tag to leave in their car so the police know they live there, but still ban the \$25 fee and get rid of the paperwork. The issue is the back parking, not the

front parking. If you park in the front you should get a ticket, but not in the back parking because it is a public parking lot. Councilman Earley stated the \$25 fee is nothing more than the administrative cost to actually give them the permit. If you take away the \$25 fee, we will then have to take money from someone else's budget to cover the clerical work for the actual permit. Mr. Ferro stated he understood, but believed that Mr. Earley was confusing the front parking lot and the back parking lot. Councilman Earley stated he sat in meetings when this was designed and the merchant's concerns were residents parking in the front close to their residence. This was designed to keep the residents in the designated area for parking, and \$2 per month does not seem like it would be that large of an issue. Mr. Ferro stated it is inconvenient for the renters to get a parking permit for \$25. You are raising fees on everything else and making enough money off of us as it is. Councilman Earley made a motion to retain the parking fee as it is now, seconded by Councilman Parker. Councilman Kuiper stated he felt there are designated parking spots in the back for the renters. When we got together with some of the owners, they also complained about the actual business owners parking in front of their stores. The whole point was to have the front open for customers. Councilman Philpot stated maybe the property owners that rent out the buildings should print out parking permits for their renters and bare the cost of that because they are the ones making the money. The motion carried by voice vote.

Approval of release and settlement agreement - annexation - Heiser, Pratt - Councilman Kuiper made a motion to approve the release and settlement agreement of Gary Heiser and Wesley Pratt, seconded by Councilman Parker. Attorney Jack Kramer explained what the litigation and settlement was. The motion carried with five ayes on roll call vote.

NEW BUSINESS

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Enter into agreement for Financial Solutions Group to file continuing disclosure filings - Councilman Kuiper made a motion to enter in to the agreement with Financial Solutions Group, seconded by Councilman Parker and carried with five ayes on roll call vote.

Permission to advertise additional appropriation - Clerk-Treasurer Walters explained she needed to set a hearing for an additional appropriation for the General and M.V.H. Fund . Councilman Philpot made a motion to give Clerk-Treasurer Walters permission to advertise for additional appropriation, seconded by Councilman Parker and carried with five ayes on roll call vote.

Police Chief - Councilman Earley made a motion to appoint Erik Matson as the permanent full-time Chief of Police, seconded by Councilman Philpot and carried by five ayes on roll call vote. Councilman Parker made a motion that the Chairman and Vice-Chairman, along with the Chairman of the Police Commission, work with the attorney to give the new Chief a contract, not to exceed three years. Councilman Earley seconded the motion. The motion passed 4-1 by roll call vote with Councilman Philpot voting no. Clerk-Treasurer Walters swore in Erik Matson as Police Chief.

ANNOUNCEMENTS

President Corns announced the next regular meeting will be held on Monday, June 10, 2013 - 7:00 PM, with a Study Session at 6:30 P.M., and that an Executive Session will be held on Wednesday, May 29, 2013 at 4:00 P.M.

MEDIA QUESTIONS/PUBLIC COMMENTS

Melanie Csepiga, The Times, asked if the executive session was on personnel. President Corns stated personnel and pending litigation. Ms. Csepiga asked for a comment on the settlement terms with Mr. Heiser and Mr. Pratt. Attorney Jack Kramer reviewed the seven points of the agreement.

Marcia Carlson, 240 W. Main Street, stated she had asked about a pedestrian crossing on W. Main Street some time ago and asked if there had been any progress made. Director Shook stated it would cost the Town around \$125,000 and the railroad would have to put it in. Ms. Carlson asked if there was any decision on playing Taps in the evening. President Corns stated they have not discussed it yet. Ms. Carlson asked if everyone was supposed to understand what the agreement with Financial Solutions Group was about. Clerk-Treasurer Walters stated it is for Park, Water, and Wastewater bonds, we are now required to file an annual disclosure.

ADJOURNMENT

With no further questions or comments, Councilman Parker made a motion to adjourn at 7:35 P.M., seconded by Councilman Earley and carried by voice vote.

Attest:

Edgar Corns, President

Judith Walters

Clerk-Treasurer